

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Valentino Villari et al.

Application No.: 10/527,385

Confirmation No.: 2243

Filed: September 11, 2003

Art Unit: 1714

For: Fireproof Glazing Unit

Examiner: Ryan D. Kwiecinski

**APPLICANT'S SUMMARY OF
TELEPHONIC INTERVIEW HELD AUGUST 9 AND 13, 2007**

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned attorney thanks Examiner Kwiecinski for the courtesy in agreeing to a telephonic interview. The interview was held between the undersigned attorney and Examiner Kwiecinski, with no others participating.

No exhibit was shown and no demonstration was conducted. The finality of the official action dated April 11, 2007, was discussed.

The general thrust of the primary argument of the applicant was that the finality of the action was premature, because new references were cited in rejecting claims not amended by the applicants. MPEP 706.07(a) was cited and quoted for support:

[A] second or any subsequent action on the merits in any application or patent undergoing reexamination proceedings will not be made final if it includes a rejection, on newly cited art, other than information submitted in an information disclosure statement filed under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p), of any claim not amended by applicant or patent owner in spite of the fact that other claims may have been amended to require newly cited art.

Reconsideration was requested. The examiner indicated that he would need to check with his supervisor and that he would phone back with an answer.

By voicemail message on August 13, 2007, the examiner indicated that he had discussed the issue with his supervisor, and that the finality of the rejection would not be withdrawn on the basis that the new references were “used as evidence to support the original rejection” and that he “didn’t actually change the rejection.”

Agreement was not reached.

Dated: August 13, 2007

Respectfully submitted,

By /Michael Muczynski #48,642/

Michael Muczynski

Registration No.: 48,642

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant